

REMARKS

Entry of the above amendments and reconsideration of this application are respectfully requested. Upon entry of the amendments, this application will contain claims 11-17, 23-27, 34 and 37-50. Claims 11-17 and 23-27 are under consideration. New claims 45-50 are drawn to the elected subject matter and believed also to be proper for present consideration. Claims 34 and 37-44 are drawn to methods that are candidates for rejoinder. The objections/rejections set forth in the Office Action are addressed in sequence below. It is believed that each is overcome, and thus reconsideration and allowance of this application are requested.

Preliminarily, submitted herewith are a new paper copy of the Sequence Listing and a new computer readable copy thereof. These are submitted to replace the current copies, pursuant to the requirement in the Office Action. The new paper and computer readable Sequence Listings introduce no new subject matter. As well, the content of the newly submitted paper copy and computer readable copy are identical. Acceptance of this new Sequence Listing information is solicited.

In addition, amendments to the specification have been made above, to introduce reference to Sequence Listing numbers in appropriate locations. These amendments introduce no new subject matter and their entry is also requested.

Claims 11-17 and 23-27 stand rejected under 35 USC §112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. This rejection is respectfully traversed to the extent maintained against any remaining claim.

As partial basis for this rejection, the Examiner discussed the term "p193 protein" and stated that the teachings in the specification were not sufficient to meet the written description requirement for that term. In this regard, the claims have been amended,

without prejudice, such that they all now refer to a sequence disclosed in the application. It is thus believed that this aspect of the rejection has been removed from consideration.

In another aspect, the Examiner stated that claims 23-27 “set forth specific identity to a SEQ I.D. NO.; however there is no specific basis for determining the identity, nor any functional limitation that the sequences must comprise.” On this point, the applicant would like to direct the Examiner’s attention to the specification at page 12, line 30 through page 13, line 18. There, percent identity is clearly defined. Accordingly, a consideration of the claims in view of the specification demonstrates that the written description requirement has been satisfied.

In view of the foregoing, reconsideration and withdrawal of the claim rejection under the first paragraph of 35 USC § 112 is solicited.

Claims 11-17 and 23-27 stand rejected under 35 USC §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. This rejection is also respectfully traversed to the extent that it is maintained against any remaining claim.

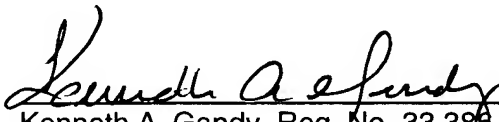
This discussion in the Office Action makes it clear that this rejection was also given for reasons related to the use of “a p193 protein” without further modification, or the inclusion of a percent identity term in the claims. As discussed above, all claims now reference a sequence disclosed in the application, and percent identity is defined in the specification. For these reasons, it is believed that the above-noted rejection has been removed from consideration. Its withdrawal is therefore solicited.

New claims 41-50 have been added. These new claims are fully supported by the specification and introduce no new subject matter. Of the new claims, claims 41-44 are method claims that are not drawn to the elected species, but which include all limitations of product claims and are thus candidates for rejoinder. Claims 45-50 are product claims that are dependent upon claims within the elected subject matter. It is noted that the added

claims are fewer in number than the canceled claims and no additional claim fees are believed to be due.

In view the foregoing amendments and remarks, it is believed that this application is in condition for allowance containing claims 11-17, 23-27, and 34-50 (including rejoined method claims). Prompt action to that end is solicited. The Examiner is invited to telephone the undersigned attorney if there are any questions about this submission or other matters that can be handled in that fashion to expedite allowance of this application.

Respectfully submitted,

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